

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

<b>ST. CROIX RENAISSANCE GROUP, LLLP; BROWNFIELD RECOVERY CORP. and ENERGY ANSWERS CORPORATION OF PUERTO RICO,</b>	)	
	)	
	)	
<b>Plaintiffs,</b>	)	<b>CIVIL NO. 2004/67</b>
<b>v.</b>	)	
	)	
<b>ST. CROIX ALUMINA, LLC and ALCOA WORLD ALUMINA, LLC,</b>	)	<b>ACTION FOR DAMAGES</b>
	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**JOINT STATEMENT OF FACTS  
REGARDING THE MATTER OF CLAIMS OF PRIVILEGE AS TO  
DOCUMENTS IN THE POSSESSION OF, OR TRANSMITTED TO  
GARVER ENGINEERING**

The following facts have been jointly stipulated by the parties, and are submitted with the permission of counsel for the defendants. These facts are referred to in the plaintiffs' memorandum in support as: **SOF**.

1. Defendant St. Croix Alumina SCA, LLC (SCA) owned the St. Croix facility (the Property) that was sold pursuant to a Purchase and Sale Agreement dated March 22, 2002 (the PSA) entered into among Plaintiff Brownfield Recovery Corp. (BRC), Plaintiff Energy Answers Corporation of Puerto Rico (EAC) and Defendant SCA, and joined by Defendant Alcoa World Alumina, LLC (AWA). plaintiff St. Croix Renaissance Group LLLP (SCRG) was formed by BRC and EAC at the time of Closing and was the assignee of BRC and EAC with regard to the PSA. Defendants are referred to collectively as "Alcoa", and plaintiffs as "SCRG" in plaintiffs' memorandum in support.

2. AWA is the majority owner of SCA.

3. Both AWA and SCA are affiliates of Alcoa, Inc.

4. The parties amended the PSA by letter amendment dated June 13, 2002 (the Letter Amendment).

5. The transaction closed on June 14, 2002.

6. In April of 2002, Plaintiffs' representatives discovered Red Mud in water from the facility that had flowed off the Property and into the Caribbean Sea (the Release).

7. The Virgin Island Department of Planning and Natural Resources (DPNR) issued an Order to SCA related to the Release on June 18, 2002 (the June 18 Order).

8. Garver Engineering (Garver) is headquartered in Fayetteville, Arkansas and provides services including general civil, airport, water, wastewater, building structural, electrical and mechanical engineering; surveying; and construction management and observation.

9. In connection with activities at the alumina facility located on St. Croix (the Facility) Garver was hired to perform, among other things, certain engineering services that included: (a) preparing, in 2001, a grading proposal at one of two bauxite residue disposal areas (BRDA) also known as the "current red mud disposal area" or "Area A"; and (b) designing a plan in response to the Release.

Statement of Undisputed Facts re Garver Documents

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**Dated:** June 19, 2008

/s/Joel H. Holt

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### **CERTIFICATE OF SERVICE**

I hereby certify that on this 19th day of June, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following attorneys for all defendants:

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